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Ken Forsse

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KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS, CA 91367

EXAMINER

WILCOX, JAMES J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,655	Applicant(s) FORSSE, KEN	
	Examiner JAMES J. WILCOX	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-18 and 20-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-18 and 20-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Appeal Brief filed 10/14/2008 has been received and entered. Application 10/821,655 Claims 1, 3-10, 12-18, and 20-38 are now pending.

Response to Brief

2. In view of the Appeal Brief filed on 10/14/2008 PROSECUTION IS
HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Specification

2. The specification is object because the term “a computer readable storage medium” in claims 16, 35-38 is not defined in the specification.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-10, 12-15, and 20-34 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

The claims 1, 3-10, 12-15, and 20-34 recite the mental steps that do not tied to statutory class (such as a particular apparatus). In particularly, a method claim would not qualify as a statutory process would be a claim that recited purely mental steps.

Thus, to qualify as a 101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps or positively recite the subject matter

Art Unit: 2169

that is being transformed, for example by identifying the material that is being changed to a different state.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-10, 12-18, and 20-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Decombe et al (US Patent No: 6,879,332 B2), hereinafter "Decombe," further in view of Nikolovska et al (US Patent No: 6,473,751 B1), hereinafter "Nikolovska."

With respect to claim 1, Decombe discloses "A process for organizing and analyzing data by visually organizing informational concepts and relationships related to the data, the steps comprising:

providing a matrix having a primary cell and two to seven secondary cells surrounding the primary cell; (110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells)

Decombe does not explicitly disclose “and inserting identified feature and characteristic data into two to seven surrounding secondary sub-cells of the sub-matrix; inserting primary objective or subject data in the primary cell; inserting data related to the primary objective or subject data into the surrounding secondary cells; and interpreting and comprehending the primary objective or subject data by means of the organization of the related data in the surrounding secondary cells; inserting the data from a surrounding secondary cell into a primary sub-cell of a sub-matrix of the matrix; identifying features and characteristics of the data in the primary sub-cell; wherein the inserting related data step includes the step of identifying features or characteristics of the primary objective or subject data.”

However, Nikolovska discloses “the user enters the query (Column 4, Line 67) and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record (Column 12, Lines 7-21). Figure 13 shows different television shows after populating the search query. Nikolovska discloses the construction of the queries for filtering and preference application is preferably done with three dimensional visual graphics to facilitate the organization of information and to allow users to manipulate elements of the scene (“tokens”) that represent data records, search and sort criteria. The tokens

Art Unit: 2169

take the form of beads. Categories are represented as strings or loops of beads. When a preference filter is constructed, specific choices (beads) are taken from a category string and added to the search string or bin. The beads, strings, and bins are represented as three dimensional objects which is more than just for appearances in that it serves as cue for the additional meaning that the third dimension provides: generally an object's proximity to the user represents its relative ranking in the particular context (Column 4, Lines 28-42)."

Decombe and Nikolovska are analogous art because they are from the same field of endeavor involving displaying hierarchical information.

At the time of invention, it would have been obvious to one of ordinary skill to in the art, having the teachings of Decombe and Nikolovska before him or her, to modify the teachings of Decombe by adding a hexagonal tile metaphor for hierarchy as taught by Nikolovska. The motivation for doing so would enable a user to insert information in the form of query and represent the results as a hexagonal tile (Column 12, Lines 22-26) and providing additional meaning that the third dimension provides (Column 4, Lines 39-40). The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Decombe with Nikolovska to obtain the invention as specified in the instant claim(s).

With respect to claim 3, the combined teachings of Decombe and Nikolovska disclose “The process of claim 1, including the step of identifying the primary objective or subject data based upon a comparison of the related data in the surrounding secondary cells,” (Nikolovska, Column 12, Lines 10-13, once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile)

With respect to claim 4, the combined teachings of Decombe and Nikolovska disclose “The process of claim 3, wherein the related data comprises features or characteristics of the primary objective or subject data,” (Nikolovska, Column 12, Lines 10-13, once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile)

With respect to claim 5, the combined teachings of Decombe and Nikolovska disclose “The process of claim 1, wherein the number of surrounding secondary cells is six,” (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells)

With respect to claim 6, the combined teachings of Decombe and Nikolovska disclose “The process of claim 5, wherein the primary cell and the surrounding cells are hexagonal,” (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 7, the combined teachings of Decombe and Nikolovska disclose “The process of claim 1, including the step of layering multiple matrices, each matrix having a primary cell containing primary objective or subject data and two to seven secondary cells including data related to the primary objective or subject data,” (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells)

With respect to claim 8, the combined teachings of Decombe and Nikolovska disclose “The process of claim 7, wherein six secondary cells surround the primary cell,” (Decombe, 110, Figure 1 shows a focus which is the primary cell and 115 shows 8 secondary cells)

With respect to claim 9, the combined teachings of Decombe and Nikolovska disclose “The process of claim 8, wherein the primary cell and the surrounding secondary cells in each matrix are hexagonal,” (Nikolovska, Column 12, Line 13,

Art Unit: 2169

hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 10, the combined teachings of Decombe and Nikolovska disclose "The process of claim 7, including the step of assigning the primary cell of each matrix the same objective or subject data, and wherein the surrounding secondary cells of each layer are vertically interchangeable," (Nikolovska, Column 12, Lines 13 and 33-36, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal; the cursor keys are used to move along the Z-axis so that the background tiles come closer to the user and more information becomes visible when they do and the other set of cursor keys may be used to move among the current foreground set of tiles, when going in the foreground-to-background direction, the current foreground set of tiles disappears as if it moved behind the view, the ability to do this would mean that the tiles are vertically interchangeable).

With respect to claim 12, the combined teachings of Decombe and Nikolovska disclose "The process of claim 1, wherein the number of surrounding secondary sub-cells in the sub-matrix is six," (115, Figure 1 shows 8 secondary sub-cells)

With respect to claim 13, the combined teachings of Decombe and Nikolovska disclose "The process of claim 12, wherein the primary cell and the surrounding

Art Unit: 2169

secondary sub-cells in the sub-matrix are hexagonal,” (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 14, the combined teachings of Decombe and Nikolovska disclose “The process of claim 1, including the step of creating a cyclic matrix by removing related data from a surrounding secondary cell and inserting new related data into at least one of the surrounding secondary cells,” (Nikolovska, Column 4, Lines 22-23, a user can remove the criterion from the profile, change the weighting; Figure 9 shows a cyclic matrix; Column 5, Lines 36-40, the implicit and explicit user profiles are invoked by adding them to the search queries (the bin or string) just as done with other choices. The effect of adding the profile is to have results sorted according to the preferences. Explicit user profiles are generated in the same way).

With respect to claim 15, the combined teachings of Decombe and Nikolovska disclose “The process of claim 1, wherein related data are arranged such that dissimilar related data are disposed in secondary cells on generally opposite sides of the primary cell,” (Nikolovska, Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information such as dissimilar data retreats into the background; (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and

Art Unit: 2169

there is 6 surrounding cells all being hexagonal are shown as “twilight zone” for example as dissimilar related data in the secondary cell).

With respect to claim 16, Decombe discloses “A process for visually organizing informational concepts and relationships using a computer readable code embodied on a computer readable storage medium operable in connection with a computer, the steps comprising:

providing a matrix having a primary cell and six secondary cells surrounding the primary cell; (110, Figure 1 shows a focus which is the primary cell and 115 shows 8 secondary cells)

Decombe does not explicitly disclose “inserting primary objective or subject data in the primary cell; identifying features or characteristics of the primary objective or subject data; inserting identified feature or characteristic data into the surrounding secondary cells; and interpreting and comprehending the primary objective or subject by means of the organization of the feature or characteristic data in the surrounding secondary cells; wherein data in the secondary cells are arranged such that dissimilar data are disposed in secondary cells on generally opposite sides of the primary cell.”

However, Nikolovska discloses “the user enters the query (Column 4, Line 67) and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned

Art Unit: 2169

record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record (Column 12, Lines 7-21). Figure 13 shows different television shows after populating the search query. Nikolovska discloses the construction of the queries for filtering and preference application is preferably done with three dimensional visual graphics to facilitate the organization of information and to allow users to manipulate elements of the scene ("tokens") that represent data records, search and sort criteria. The tokens take the form of beads. Categories are represented as strings or loops of beads. When a preference filter is constructed, specific choices (beads) are taken from a category string and added to the search string or bin. The beads, strings, and bins are represented as three dimensional objects which is more than just for appearances in that it serves as cue for the additional meaning that the third dimension provides: generally an object's proximity to the user represents its relative ranking in the particular context (Column 4, Lines 28-42)."

Decombe and Nikolovska are analogous art because they are from the same field of endeavor involving displaying hierarchical information.

At the time of invention, it would have been obvious to one of ordinary skill to in the art, having the teachings of Decombe and Nikolovska before him or her, to modify the teachings of Decombe by adding a hexagonal tile metaphor for hierarchy as taught

Art Unit: 2169

by Nikolovska. The motivation for doing so would enable a user to insert information in the form of query and represent the results as a hexagonal tile (Column 12, Lines 22-26) and providing additional meaning that the third dimension provides (Column 4, Lines 39-40). The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Decombe with Nikolovska to obtain the invention as specified in the instant claim(s).

With respect to claim 17, the combined teachings of Decombe and Nikolovska disclose “The process of claim 16, wherein the primary cell and the surrounding secondary cells are hexagonal,” (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 18, the combined teachings of Decombe and Nikolovska disclose “The process of claim 16, including the steps of inserting the data from a surrounding secondary cell into a primary sub-cell of a sub-matrix, and identifying features and characteristics of the data in the primary sub-cell and inserting identified feature and characteristic data into six surrounding secondary sub-cells of the sub-matrix,” (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells; Nikolovska, Column 4, Line 67; the user enters the query; Column 12, Lines 7-21; and once a search is invoked, the user sees the overview world. The

Art Unit: 2169

overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record; Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background.

With respect to claim 20, Decombe discloses “A process for visually organizing informational concepts and relationships, the steps comprising:

providing a matrix having a primary cell and six secondary cells surrounding the primary cell; (110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells)

Decombe does not explicitly disclose “inserting known data or factors into the surrounding secondary cells; comparing the known data or factors in the surrounding cells; and deriving primary objective or subject data based upon the comparison of the known data or factors; and inserting the derived primary objective or subject data into the primary cell.”

However, Nikolovska discloses “the user enters the query (Column 4, Line 67) and once a search is invoked, the user sees the overview world. The overview mode

Art Unit: 2169

shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record (Column 12, Lines 7-21). Nikolovska also discloses "the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background (Column 10, Lines 41-62). Nikolovska discloses "to identify frequency of hits data on descriptors, it is desirable to have multiple records so each selection is added to a single list and the frequency of hits data derived from the combined list which covers multiple selection iterations (Column 14, Lines 40-44)."

Decombe and Nikolovska are analogous art because they are from the same field of endeavor involving displaying hierarchical information.

At the time of invention, it would have been obvious to one of ordinary skill to in the art, having the teachings of Decombe and Nikolovska before him or her, to modify the teachings of Decombe by adding a hexagonal tile metaphor for hierarchy as taught by Nikolovska. The motivation for doing so would enable a user to insert information in the form of query and represent the results as a hexagonal tile (Column 12, Lines 22-26) and hide unrelated dissimilar information in the background (Column 10, Lines 48-53). The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been

Art Unit: 2169

obvious to combine Decombe with Nikolovska to obtain the invention as specified in the instant claim(s).

With respect to claim 21, the combined teachings of Decombe and Nikolovska disclose "The process of claim 20, wherein the known data or factors comprise features or characteristics of the primary objective or subject data," (Decombe, a node having a certain shape conveys to the viewer certain information, e.g. a convex shaped node may convey to the viewer whether further nodes that are too small to be displayed are accessible via the convex shaped node, other two- or three-dimensional characteristics maybe interchanged to convey that same information)

With respect to claim 22, the combined teachings of Decombe and Nikolovska disclose "The process of claim 20, wherein the primary cell and the surrounding secondary cells are hexagonal," (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 23, the combined teachings of Decombe and Nikolovska disclose "The process of claim 20, including the steps of inserting the data or factor from a surrounding secondary cell into a sub-primary cell of a sub-matrix, and identifying features and characteristics of the sub-primary cell data and inserting identified feature and characteristic data into six surrounding secondary sub-cells of the sub-matrix,"

Art Unit: 2169

(Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells; Nikolovska, Column 4, Line 67; the user enters the query; Column 12, Lines 7-21; and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record; Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background.

With respect to claim 24, the combined teachings of Decombe and Nikolovska disclose "The process of claim 20, wherein data or factors in the secondary cells are arranged such that dissimilar data or factors are disposed in secondary cells on generally opposite sides of the primary cell," (Nikolovska, Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information such as dissimilar data retreats into the background; (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal are shown as "twilight zone" for example as dissimilar related data in the secondary cell).

With respect to claim 25, Decombe discloses “A process for visually organizing informational concepts and relationships, the steps comprising:

providing a matrix having a primary cell and six secondary cells surrounding the primary cell; (110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells);

providing a second matrix having a primary cell and six secondary cells surrounding the primary cell generally vertically aligned with the primary cell and secondary surrounding cells of the first matrix,” (110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells)

Decombe does not explicitly disclose “inserting primary objective or subject data in the primary cell; inserting data related to the primary objective or subject data into the surrounding secondary cells; inserting primary objective or subject data in the primary cell of the second matrix; inserting data related to the primary object or subject data into the surrounding secondary cells of the second matrix; and interpreting and comprehending the primary objective or subject of each matrix by means of the organization of the related data in the surrounding secondary cells.”

However, Nikolovska discloses “the user enters the query (Column 4, Line 67) and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed

Art Unit: 2169

as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record (Column 12, Lines 7-21). Nikolovska also discloses "the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background (Column 10, Lines 41-62) and Figure 13 shows different television shows after populating the search query. Nikolovska discloses the construction of the queries for filtering and preference application is preferably done with three dimensional visual graphics to facilitate the organization of information and to allow users to manipulate elements of the scene ("tokens") that represent data records, search and sort criteria. The tokens take the form of beads. Categories are represented as strings or loops of beads. When a preference filter is constructed, specific choices (beads) are taken from a category string and added to the search string or bin. The beads, strings, and bins are represented as three dimensional objects which is more than just for appearances in that it serves as cue for the additional meaning that the third dimension provides: generally an object's proximity to the user represents its relative ranking in the particular context (Column 4, Lines 28-42)."

Decombe and Nikolovska are analogous art because they are from the same field of endeavor involving displaying hierarchical information.

At the time of invention, it would have been obvious to one of ordinary skill to in the art, having the teachings of Decombe and Nikolovska before him or her, to modify

Art Unit: 2169

the teachings of Decombe by adding a hexagonal tile metaphor for hierarchy as taught by Nikolovska. The motivation for doing so would enable a user to insert information in the form of query and represent the results as a hexagonal tile (Column 12, Lines 22-26) and hide unrelated dissimilar information in the background (Column 10, Lines 48-53). The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Decombe with Nikolovska to obtain the invention as specified in the instant claim(s).

With respect to claim 26, the combined teachings of Decombe and Nikolovska disclose "The process of claim 25, wherein the inserting related data step includes the step of identifying features or characteristics of the primary objective or subject data. (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells; Nikolovska, Column 4, Line 67; the user enters the query; Column 12, Lines 7-21; and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record; Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background.

With respect to claim 27, the combined teachings of Decombe and Nikolovska disclose “The process of claim 25, wherein the primary cell and the surrounding secondary cells are hexagonal,” (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 28, the combined teachings of Decombe and Nikolovska disclose “The process of claim 25, including the step of assigning the primary cell of the second matrix the same objective or subject data as the first matrix, and wherein the surrounding secondary cells of each matrix are vertically interchangeable,” (Nikolovska, Column 12, Lines 13 and 33-36, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal; the cursor keys are used to move along the Z-axis so that the background tiles come closer to the user and more information becomes visible when they do and the other set of cursor keys may be used to move among the current foreground set of tiles, when going in the foreground-to-background direction, the current foreground set of tiles disappears as if it moved behind the view, the ability to do this would mean that the tiles are vertically interchangeable).

With respect to claim 29, the combined teachings of Decombe and Nikolovska disclose “The process of claim 25, including the steps of inserting the data from a surrounding secondary cell into a primary sub-cell of a sub-matrix, and identifying features and characteristics of the primary data and inserting identified feature and characteristic data into six surrounding secondary sub-cells of the sub- matrix,” (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells; Nikolovska, Column 4, Line 67; the user enters the query; Column 12, Lines 7-21; and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record; Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background.

With respect to claim 30, the combined teachings of Decombe and Nikolovska disclose “The process of claim 25, wherein data in the secondary cells are arranged such that dissimilar data are disposed in secondary cells on generally opposite sides of the primary cell,” (Nikolovska, Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information such as dissimilar data retreats into the background; (Nikolovska, Column 12, Line 13,

Art Unit: 2169

hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal are shown as “twilight zone” for example as dissimilar related data in the secondary cell).

With respect to claim 31, Decombe discloses “A process for visually organizing informational concepts and relationships, the steps comprising:

providing a matrix having a primary cell and six secondary cells surrounding the primary cell; (110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells)

Decombe does not explicitly disclose “inserting primary objective or subject data in the primary cell; inserting data related to the primary objective or subject data into the surrounding secondary cells; interpreting and comprehending the primary objective or subject by means of the organization of the related data in the surrounding secondary cells; cycling the matrix by removing related data from a surrounding secondary cell, and inserting new related data into at least one of the surrounding secondary cells; and reinterpreting the primary objective or subject data by means of the organization of the related data in the surrounding secondary cells.”

However, Nikolovska discloses “the user enters the query (Column 4, Line 67) and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned

Art Unit: 2169

record by some metaphor for hierarchy. Each record returned by the search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record (Column 12, Lines 7-21). Nikolovska also discloses "a user can remove the criterion from the profile, change the weighting; Figure 9 shows a cyclic matrix; the implicit and explicit user profiles are invoked by adding them to the search queries (the bin or string) just as done with other choices. The effect of adding the profile is to have results sorted according to the preferences. Explicit user profiles are generated in the same way (Column 4, Lines 22-23; Column 5, Lines 36-40). Figure 13 shows different television shows after populating the search query. Nikolovska discloses the construction of the queries for filtering and preference application is preferably done with three dimensional visual graphics to facilitate the organization of information and to allow users to manipulate elements of the scene ("tokens") that represent data records, search and sort criteria. The tokens take the form of beads. Categories are represented as strings or loops of beads. When a preference filter is constructed, specific choices (beads) are taken from a category string and added to the search string or bin. The beads, strings, and bins are represented as three dimensional objects which is more than just for appearances in that it serves as cue for the additional meaning that the third dimension provides: generally an object's proximity to the user represents its relative ranking in the particular context (Column 4, Lines 28-42)."

Decombe and Nikolovska are analogous art because they are from the same field of endeavor involving displaying hierarchical information.

At the time of invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Decombe and Nikolovska before him or her, to modify the teachings of Decombe by adding a hexagonal tile metaphor for hierarchy as taught by Nikolovska. The motivation for doing so would enable a user to insert information in the form of query and represent the results as a hexagonal tile (Column 12, Lines 22-26) and providing additional meaning that the third dimension provides (Column 4, Lines 39-40). The cited additional element would not interfere with the functionality of steps previously claimed and would perform the same function. Therefore it would have been obvious to combine Decombe with Nikolovska to obtain the invention as specified in the instant claim(s).

With respect to claim 32, the combined teachings of Decombe and Nikolovska disclose "The process of claim 31, wherein the inserting related data step includes the step of identifying features or characteristics of the primary objective or subject data," (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells; Nikolovska, Column 4, Line 67; the user enters the query; Column 12, Lines 7-21; and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the search is displayed

Art Unit: 2169

as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record; Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background.

With respect to claim 33, the combined teachings of Decombe and Nikolovska disclose "The process of claim 31, wherein the primary cell and the surrounding secondary cells are hexagonal," (Nikolovska, Column 12, Line 13, hexagonal tile; Figure 13 shows a hexagonal tile where 3rd Rock is the primary cell and there is 6 surrounding cells all being hexagonal).

With respect to claim 34, the combined teachings of Decombe and Nikolovska disclose "The process of claim 31, including the steps of inserting the data from a surrounding secondary cell into a primary sub-cell of a sub-matrix, and identifying features and characteristics of the data in the primary sub-cell and inserting identified feature and characteristic data into six surrounding secondary sub-cells of the sub-matrix," (Decombe, 110, Figure 1 shows a focus which is the matrix and 115 shows 8 secondary cells; Nikolovska, Column 4, Line 67; the user enters the query; Column 12, Lines 7-21; and once a search is invoked, the user sees the overview world. The overview mode shows a visual representation that indicates pictorially, the relevance of each returned record by some metaphor for hierarchy. Each record returned by the

Art Unit: 2169

search is displayed as a hexagonal tile. The apparent proximity of the results relative to the viewer corresponds to the goodness of the fit between the search criteria and the record; Column 10, Lines 41-62, the more relevant information depending on the context is shown in the foreground and temporarily hidden information retreats into the background.

With respect to claim 35, the combined teachings of Decombe and Nikolovska disclose "The process of claim 1, wherein the process for visually organizing informational concepts and relationships is performed using a computer readable code embodied on a computer readable storage medium operable in connection with a computer," (Decombe, Column 2, Lines 7 & 22-28, computer system, random access memories or any other medium for storing electronic instructions)

With respect to claim 36, the combined teachings of Decombe and Nikolovska disclose "The process of claim 20, wherein the process for visually organizing informational concepts and relationships is performed using a computer readable code embodied on a computer readable storage medium operable in connection with a computer," (Decombe, Column 2, Lines 7 & 22-28, computer system, random access memories or any other medium for storing electronic instructions)

With respect to claim 37, the combined teachings of Decombe and Nikolovska disclose "The process of claim 25, wherein the process for visually organizing

Art Unit: 2169

informational concepts and relationships is performed using a computer readable code embodied on a computer readable storage medium operable in connection with a computer,” (Decombe, Column 2, Lines 7 & 22-28, computer system, random access memories or any other medium for storing electronic instructions)

With respect to claim 38, the combined teachings of Decombe and Nikolovska disclose “The process of claim 31, wherein the process for visually organizing informational concepts and relationships is performed using a computer readable code embodied on a computer readable storage medium operable in connection with a computer,” (Decombe, Column 2, Lines 7 & 22-28, computer system, random access memories or any other medium for storing electronic instructions)

Response to Arguments In Brief

5. Applicant's arguments presented in the brief filed 10/14/2008 with respect to claims 1, 3-10, 12-18, and 20-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. WILCOX whose telephone number is (571)270-3774. The examiner can normally be reached on Days: M-H Times: 6:30 A.M.-6:30 P.M..

Art Unit: 2169

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Mahmoudi can be reached on (571)272-4078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/C. T. T./
Primary Examiner, Art Unit 2169

JJW (December 30, 2008)

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166